

AMENDED IN ASSEMBLY MAY 2, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1095**

**Introduced by Assembly Member Mullin**

February 22, 2005

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~~An act to amend Section 8880.5 of the Education Code, relating to the California State Lottery. An act to add Section 8274 to the Education Code, relating to child care.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1095, as amended, Mullin. ~~California State Lottery: education finance.~~ *Child care: center-based programs: staff training.*

*Existing law requires the Superintendent of Public Instruction to implement a plan that establishes reasonable standards and assigned reimbursement rates for child care providers that contract with the State Department of Education and authorizes a program above the standard reimbursement rate to be considered on a case-by-case basis for rate adjustments due to documented increases in insurance costs.*

*This bill would authorize a school district to reimburse a contractor, funded for a center based program, for days of staff training.*

~~The California State Lottery Act of 1984 establishes a state lottery that, among other things, provides funds to benefit public education. The act specifies that of the total annual revenues from the sale of state lottery tickets or shares, 50% shall be returned to the public in the form of prizes, as specified, at least 34% shall be allocated to the benefit of public education, as specified, and no more than 16% shall be allocated for the payment of expenses of the lottery as described in the lottery act.~~

~~This bill make technical, nonsubstantive changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 8274 is added to the Education Code, to~~  
2     ~~read:~~

3     ~~8274. A school district may reimburse a contractor, funded~~  
4     ~~for a center-based program pursuant to this chapter, for days of~~  
5     ~~staff training.~~

6     ~~SECTION 1. Section 8880.5 of the Government Code is~~  
7     ~~amended to read:~~

8     ~~8880.5. The California State Lottery Education Fund is~~  
9     ~~created within the State Treasury, and is continuously~~  
10    ~~appropriated for carrying out the purposes of this chapter. The~~  
11    ~~Controller shall draw warrants on this fund and distribute them~~  
12    ~~quarterly in the following manner, provided that the payments~~  
13    ~~specified in subdivisions (a) to (g), inclusive, shall be equal per~~  
14    ~~capita amounts:~~

15    ~~(a) Payments shall be made directly to public school districts,~~  
16    ~~including county superintendents of schools, serving~~  
17    ~~kindergarten and grades 1 to 12, inclusive, or any part thereof, on~~  
18    ~~the basis of an equal amount for each unit of average daily~~  
19    ~~attendance, as defined by law and adjusted pursuant to~~  
20    ~~subdivision (f).~~

21    ~~(b) Payments shall also be made directly to public school~~  
22    ~~districts serving community colleges, on the basis of an equal~~  
23    ~~amount for each unit of average daily attendance, as defined by~~  
24    ~~law.~~

25    ~~(c) Payments shall also be made directly to the Board of~~  
26    ~~Trustees of the California State University on the basis of an~~  
27    ~~amount for each unit of equivalent full-time enrollment. Funds~~  
28    ~~received by the trustees shall be deposited in and expended from~~  
29    ~~the California State University Lottery Education Fund, that is~~  
30    ~~hereby created or, at the discretion of the trustees, deposited in~~  
31    ~~local trust accounts in accordance with subdivision (j) of Section~~  
32    ~~89721 of the Education Code.~~

1 ~~(d) Payments shall also be made directly to the Regents of the~~  
2 ~~University of California on the basis of an amount for each unit~~  
3 ~~of equivalent full-time enrollment.~~

4 ~~(e) Payments shall also be made directly to the Board of~~  
5 ~~Directors of the Hastings College of the Law on the basis of an~~  
6 ~~amount for each unit of equivalent full-time enrollment.~~

7 ~~(f) Payments shall also be made directly to the Department of~~  
8 ~~the Youth Authority for educational programs serving~~  
9 ~~kindergarten and grades 1 to 12, inclusive, or any part thereof, on~~  
10 ~~the basis of an equal amount for each unit of average daily~~  
11 ~~attendance, as defined by law.~~

12 ~~(g) Payments shall also be made directly to the California~~  
13 ~~Schools for the Deaf, the California School for the Blind, and the~~  
14 ~~Diagnostic Schools for Neurologically Handicapped Children, on~~  
15 ~~the basis of an amount for each unit of equivalent full-time~~  
16 ~~enrollment.~~

17 ~~(h) Payments shall also be made directly to the State~~  
18 ~~Department of Developmental Services and the State Department~~  
19 ~~of Mental Health for clients with developmental or mental~~  
20 ~~disabilities who are enrolled in state hospital education programs,~~  
21 ~~including developmental centers, on the basis of an equal amount~~  
22 ~~for each unit of average daily attendance, as defined by law.~~

23 ~~(i) No Budget Act or other statutory provision shall direct that~~  
24 ~~payments for public education made pursuant to this chapter be~~  
25 ~~used for purposes and programs authorized by Chapters 498, 565,~~  
26 ~~and 1302 of the Statutes of 1983, Chapter 97 or 258 of the~~  
27 ~~Statutes of 1984, or Chapter 1 of the Statutes of the 1983-84~~  
28 ~~Second Extraordinary Session, including workload adjustments~~  
29 ~~and maintenance of the level of service.~~

30 ~~(j) A school district or another agency that receives funds~~  
31 ~~distributed pursuant to this chapter may at their option utilize~~  
32 ~~those funds to provide additional funds for the purposes and~~  
33 ~~programs prescribed by subdivision (i) for the purpose of~~  
34 ~~enrichment or expansion.~~

35 ~~(k) As a condition of receiving funds pursuant to subdivision~~  
36 ~~(a) or (b), a school district and a county superintendent of schools~~  
37 ~~shall establish a separate account for the receipt and expenditure~~  
38 ~~of those funds, and that account shall be clearly identified as a~~  
39 ~~lottery education account.~~

~~(l) Commencing with the 1998–99 fiscal year, and each year thereafter, for the purposes of subdivision (a), average daily attendance shall be increased by the statewide average rate of excused absences for the 1996–97 fiscal year as determined pursuant to the provisions of Chapter 855 of the Statutes of 1997. The statewide average excused absence rate, and the corresponding adjustment factor required for the operation of this subdivision, shall be certified to the Controller by the Superintendent of Public Instruction.~~

~~(m) It is the intent of this chapter that all funds allocated from the California State Lottery Education Fund shall be used exclusively for the education of pupils and students and no funds shall be spent for acquisition of real property, construction of facilities, financing of research, or any other noninstructional purpose.~~